

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
901 Litchfield Road and Sherwood Road
9th Election District
4th Councilmanic District
Edgar G. Cumor, Jr., et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-149-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), for their property located in a D.R.5.5 Zone, to allow an accessory structure (shed) on a corner lot in the third closest to the street, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship

upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of Dec., 1991 that the Petition for a Zoning Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (shed) on a corner lot in the third closest to the street, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING
Date 11/12/91
By M. J. Smith

-2-

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

November 8, 1991

Mr. and Mrs. Edgar G. Cumor, Jr.
901 Litchfield Road
Baltimore, Maryland 21239

RE: Petition for Residential Zoning Variance
Case No. 92-149-A

Dear Mr. and Mrs. Cumor:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.
cc: Peoples Counsel

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/they presently reside at 901 Litchfield Road
Baltimore, Md 21239
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

Physical handicap because of age & health. Husband has back problem & wife, at heart condition. This requires carrying all furniture & heavy gardening equipment down basement stairs, house to the outside. When unloading, down for outdoor storage is at existing driveway which would be supplied & running is not usable because of grade & danger of street access. Environmental & landscape aesthetics of street access.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

AFFIANT (Handwritten Signature) Edgar G. Cumor, Jr.
AFFIANT (Printed Name) Edgar G. Cumor, Jr.
AFFIANT (Handwritten Signature) Edgar G. Cumor, Jr.
AFFIANT (Printed Name) Edgar G. Cumor, Jr.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12th day of October, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Edgar G. Cumor, Jr. and Edgar G. Cumor, Jr.

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and the Great Seal of the Notary Public for Baltimore County, Maryland, this 11th day of November, 1991.
My Commission Expires: 2/1/94

901 Litchfield Road

Lot size 70' x 112.73'
53.88' 113.68' SW/S Litchfield Rd

Beginning @ Southeast corner of Sherwood Road & Litchfield Rd, southeasterly along the southwest side of Litchfield Rd 70', then southwesterly at right angle to Litchfield Rd 112.73 ft to intersect second line of Lot 54. Northwesterly 53.88 ft to the east side of Sherwood Rd & northerly on the east side of Sherwood Rd 113.68 ft to the place of beginning.

WR * 3850

Part of lot "54" "Idlewyde" Block B

92-149-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 24 Date of Posting 11/15/91
Posted for: Edgar G. Cumor, Jr.
Petitioner: Edgar G. Cumor, Jr.
Location of property: 901 Litchfield Rd & Sherwood Rd
Location of Sign: 901 Litchfield Rd & Sherwood Rd
Remarks: No objection to the proposed variance.
Posted by: M. J. Smith Date of return: 11/23/91
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date 11/15/91 Account R 001-6150
Number
PUBLIC HEARING FEES QTY PRICE
ZONING VARIANCE - 1 X \$35.00
POSTING SIGNS / ADVERTISING 1 X \$25.00
TOTAL \$60.00
LAST NAME OF OWNER: CUMOR
Please Make Check/Payment to Baltimore County
BA C03124PH10-02-91
Cashier Validation

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

92-149-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

400.1 to allow an accessory structure on a corner lot in the third closest to the street

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Physical handicap because of age & health.
Environmental & landscape aesthetics.
Necessity to be able to access the property.
No direct access to yard from basement storage area.
Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/We are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

Address

City/State/Zip Code

Signature

Address

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

ORDERED by the Zoning Commissioner of Baltimore County, this 2nd day of Oct., 1991, that the subject matter of this petition be posted on the property on or before the 20th day of Oct., 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

REVIEWED BY: DATE:

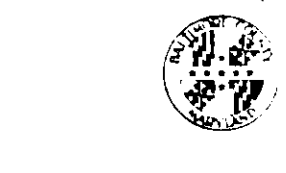
ZONING COMMISSIONER OF BALTIMORE COUNTY

ORDER RECEIVED FOR FILING

Date

111 West Chesapeake Avenue
Towson, MD 21204

October 9, 1991



COPY

Edgar and Ann Cumor
901 Litchfield Road
Baltimore, Maryland 21239

Re: CASE NUMBER: 92-149-A
LOCATION: 901 Litchfield Road and Sherwood Roads
9th Election District - 4th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before October 20, 1991. The closing date is November 4, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 901 Litchfield Rd.

OWNER: Ann & Edgar G. Cumor, Jr.

Subdivision name: Idlewyde

Plat book: 522, lots 54-55

Scale of Drawing: 1" = 30'

North

Picture taken from direction of arrow

1. Looking south on Sherwood Road. Shed behind black car & to left.

2. Looking south on Sherwood Road. Shed to left of pavement behind black car.

3. Sherwood Road looking south shed behind and to left of black car.

4. Looking south - Existing driveway to be removed & shed (8'x10') placed here. At bottom of 2 tiered hill.

5. Looking south - driveway - another view.

6. Due North on Sherwood Road - shed would be to right of tree & not obscure view of driver.

7. North on Sherwood Road. Shed to right of tree on right & at bottom of 2 tiered hill.

8. From yard - Area where shed would be placed & driveway removed.

9. From yard - Area where shed could be placed & driveway removed.

10. Area where zoning says shed should be placed.

11. Area where zoning says shed should be placed.

LOCATION INFORMATION

Councilmanic District: 4

Election District: 9

1"-200' scale map: NE, 8-A

Zoning: D.R. - 5.5

Lot size: 1/4 acre

Sever: ☒ ☐

Water: ☒ ☐

Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings: None

Reviewed by: Ann M. Cumor

Item #: 160

Case #: 92-149-A

CASE NUMBER 92-149-A

PETITIONER'S EXHIBIT #

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CASE NUMBER 92-149-A

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ANNOUNCEMENT-CODE-CITY OR COUNTY

4003 PAGE 582

PAID - Baltimore County, Md. - Office of Finance

6-19-62 8098 • 24578 PPF- 11625

6-19-62 8098 • 24578 PPF- 11625

This Deed, Made this 14th - day of June -

in the year one thousand nine hundred and sixty-two - by and between

THOMAS D. RUSSELL and ELIZABETH E. RUSSELL, his wife,

of Baltimore County - in the State of Maryland, of the first part, and

EDGAR G. CUMOR, JR. and ANNMARIE CUMOR, his wife, of Baltimore County,

State of Maryland,

of the second part.



Witnesseth, That in consideration of the sum of FIVE DOLLARS (\$5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged,

the said THOMAS D. RUSSELL and ELIZABETH E. RUSSELL, his wife,

do - grant and convey unto the said EDGAR G. CUMOR, JR. and ANNMARIE CUMOR, his wife, as tenants by the entireties, their assigns, and unto the survivor of them, his or her,

personal representatives and assigns all that lot or parcel - of ground situate

in Baltimore County, Maryland - - - - - as follows, that is to say:

Beginning for the same at the southeast corner of Sherwood Road and Litchfield Road as laid out on the Revised Plat of Idlewyde Section B recorded among the Plat Records of Baltimore County in Plat Book CWBjr. No. 12, folio 70 thence southeasterly along the southwest side of Litchfield Road 70 feet thence southeasterly along the southwest side of Litchfield Road 70 feet thence southwesterly at right angles to Litchfield Road 112.73 feet to intersect the second line of Lot 54, as described in the Deed from Carl J. Kehoe and Theresa M. Kehoe, his wife to Dorchester Contractors Inc. dated January 18, 1947, and recorded among the Land Records of Baltimore County in Liber JWS No. 1536, folio 137 thence binding on said lot as described in said Deed reversely the two following courses and distances namely northwesterly 53.88 feet to the east side of Sherwood Road and northerly on the east side of Sherwood Road 113.68 feet to the place of beginning. The improvements thereon being known as No. 901 Litchfield Road.

BEING the same lot of ground which by Deed of Assignment dated August 19, 1959, and recorded among the Land Records of Baltimore County in Liber JWR No. 3850, folio 592, was granted and conveyed by MARY A. STROMBERG to THOMAS D. RUSSELL and ELIZABETH E. RUSSELL, his wife, the within Grantors



160

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